

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**RICKY COLE,**

**Petitioner,**

**v.**

**MICHAEL P. ATCHISION,<sup>1</sup>**

**Respondent.**

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**Civil No. 12-176-DRH**

**MEMORANDUM and ORDER**

**HERNDON, Chief Judge:**

Ricky Cole, a state prisoner, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his 2006, Cook County, Illinois conviction for murder. Petitioner challenges his conviction based on the admissibility of his confession, violation of his Fifth Amendment right against self-incrimination, and ineffective assistance of trial and appellate counsel.

Petitioner indicates that he has exhausted his state court remedies with respect to the claims raised in his federal habeas petition; furthermore, he appears to have filed his petition in a timely manner.

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<sup>1</sup>Petitioner did not name the respondent in his petition. The proper respondent is the warden of the institution where he is incarcerated, i.e., Michael P. Atchison, Warden of Menard Correctional Center. Rule 2(a), Rules Governing Section 2254 Cases.

**IT IS HEREBY ORDERED** that Michael P. Atchison is substituted as respondent herein. Respondent shall answer the petition or otherwise plead within thirty days of the date this order is entered. This preliminary order to respond does not, of course, preclude the State from making whatever waiver, exhaustion or timeliness it may wish to present. Service upon the Illinois Attorney General, Criminal Appeals Bureau, 100 West Randolph, 12th Floor, Chicago, Illinois 60601 shall constitute sufficient service.

**IT IS FURTHER ORDERED** that pursuant to Local Rule 72.1(a)(2), this cause is referred to a United States Magistrate Judge for further pre-trial proceedings.

**IT IS FURTHER ORDERED** that this entire matter be **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral*.

Petitioner is **ADVISED** of his continuing obligation to keep the Clerk (and each opposing party) informed of any change in his whereabouts during the pendency of this action. This notification shall be done in writing and not later than seven days after a transfer or other change in address occurs. Failure to provide such notice may result in dismissal of this action. See FED. R. CIV. P. 41(b).

The Clerk of Court is directed to note the substitution of Michael P.

Atchison as respondent herein.

**IT IS SO ORDERED.**

**DATED: August 13, 2012.**

 Digitally signed by David R.  
Herndon  
Date: 2012.08.13 14:55:34  
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**Chief Judge  
United States District Court**